UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,789	08/28/2001	Eiji Ueda	50023-148	2857

7590   09/21/2005

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EXAMINER
CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/939,789	UEDA, EIJI
	Examiner	Art Unit	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/19/05 11/21/01*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or

composition of matter, or any new and useful improvement thereof, may obtain a patent

therefore, subject to the conditions and requirements of this title.

1.   Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is

directed toward non-functional descriptive material.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section

122(b), by another filed in the United States before the invention by the applicant for

patent or (2) a patent granted on an application for patent by another filed in the United

States before the invention by the applicant for patent, except that an international

application filed under the treaty defined in section 351(a) shall have the effects for

purposes of this subsection of an application filed in the United States only if the

international application designated the United States and was published under Article

21(2) of such treaty in the English language.

2.   Claims 1, 2, 4, 5, and 7-12 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kikinis (5929849).

As to claim 1, Kikinis discloses:

A receiving device receiving broadcasting programs ([5, 34-41])

broadcasting receiving means for receiving broadcasting data in which content deciding

data is multiplexed with a broadcasting program associated with said content, the

content deciding data deciding a position of content placed on the network ('each frame

has an associated data region with the image position and extent data, and the

associated URL' [7, 10-28]; [5, 34-41]);

demultiplexing means for demultiplexing the content deciding data and the broadcasting

program from the broadcasting data received by the broadcasting receiving means (fig.

1, MPEG decoder 25 and decoder tuner 13, fig. 1; [5, 41-55]);

data communication means for accessing to the content based on the content deciding

data demultiplexed by the demultiplexing means (box 11; WEB page displayed 111, fig.

3A).

As to claim 2,

Kinkinis discloses:

the demultiplexing means demultiplexes a plurality of content deciding data respectively

from the broadcasting data when there is a plurality of the content deciding data in the

broadcasting data ([5, 34-55]; 'different entities associated with different URLs or

different data locations' [7, 10-17]);

further comprising: data management means for selecting one or more content deciding

data from a plurality of content deciding data demultiplexed by the demultiplexing

means according to a specific condition (the specific condition is related to the user selected which enhanced content to display [7, 10-17]);

the data communication means accesses to the contents based on the content deciding data selected by the data management means ('direct the user to the WEB' [7, 10-17]);

As to claim 4, Kikinis discloses:

the demultiplexing means demultiplexes a plurality of content deciding data and scenario data respectively from the broadcasting data when there are a plurality of the content deciding data and scenario data indicating the order of using the content deciding data in the broadcasting data ([7, 10-17]; 'each frame has an associated data region with the image position and the associated URL' [7, 17-27]; since each frame has associated URLs, the order in which the enhanced data is displayed and/or accessed is related to the frames which enable the enhanced data to be selected);

which further comprising: data management means for selecting in sequence content deciding data from a plurality of content deciding data demultiplexed by the demultiplexing means according to the scenario data demultiplexed by the demultiplexing means ([7, 10-17]; 'each frame has an associated data region with the image position and the associated URL' [7, 17-27]; since each frame has associated URLs, the order in which the enhanced data is displayed and/or accessed is related to the frames which enable the enhanced data to be selected);

the data communication means accesses to the contents in sequence based on the content deciding data selected by the data management means ('direct the user to the WEB' [7, 10-17]);

As to claim 5, Kikinis discloses:

the content deciding data deciding a position of content placed on the network is a URL (Uniform Resource Locator) ('each frame has an associated data region with the image position and extent data, and the associated URL' [7, 10-28]; [5, 34-41]).

As to claim 7, the method limitations are included and met as previously discussed in claim 1).

As to claim 8.

the step of demultiplexing comprises demultiplexing a plurality of the content deciding data respectively from the broadcasting data when there is a plurality of the content deciding data in the broadcasting data ([5, 34-55]; 'different entities associated with different URLs or different data locations' [7, 10-17]);

selecting according to a specific condition one or more content deciding data from a plurality of content deciding data demultiplexed in the step of demultiplexing ([7, 10-17]);

in which the step of accessing to the content comprises accessing to content deciding data based on the content deciding data demultiplexed in the step of selecting from the broadcasting data ('direct the user to the WEB' [7, 10-17]).

As to claim 9,

the step of demultiplexing comprises demultiplexing a plurality of the content deciding

data and scenario data respectively from the broadcasting data when there are a

plurality of the content deciding data and scenario data indicating the order of using the

content deciding data ([7, 10-17]; 'each frame has an associated data region with the

image position and the associated URL' [7, 17-27]; since each frame has associated

URLs, the order in which the enhanced data is displayed and/or accessed is related to

the frames which enable the enhanced data to be selected);

selecting sequentially a plurality of content deciding data demultiplexed in the step of

demultiplexing according to the scenario data demultiplexed in the step of

demultiplexing ([7, 10-17]; 'each frame has an associated data region with the image

position and the associated URL' [7, 17-27]; since each frame has associated URLs, the

order in which the enhanced data is displayed and/or accessed is related to the frames

which enable the enhanced data to be selected);

the step of accessing to the content comprises accessing to content deciding data in

sequence based on the content deciding data demultiplexed in the step of selecting

from the broadcasting data the data communication means accesses to the contents in

sequence based on the content deciding data selected by the data management means

('direct the user to the WEB' [7, 10-17]).

As to claim 10, the method limitations are included and met as previously discussed in claims 1 and 7 since the Kikinis reference is directed towards a computer based system).

As to claim 11, the method limitations are included and met as previously discussed in claims 1 and 7 since the Kikinis reference is directed towards a computer based system which utilizes a storage medium such as ROM 47, DRAM 48, and CPU 19.

As to claim 12, the method limitations are included and met as previously discussed in claims 1 and 2 since the Kikinis reference is directed towards a data broadcasting receiving system ([5, 34-41]).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 3 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis (5929849) in view of Feinleib (2004/0040042).**

As to claim 3,

Kikinis does not specifically disclose: the specific condition is an audio type selected by

the receiving device. However, Feinleib discloses:

the specific condition is an audio type selected by the receiving device ('It is noted that,

rather than the parser 60, other types of key phrase identifiers can be used to identify

key phrases in the closed captioning script. For example, the processor might be

directed to search the closed captioning script for a single word, or a set of words,

spoken by one or more characters to which the producer wants to introduce enhancing

content' [0059]; 'The client 22(1) is illustrated with two software programs: a closed

captioning parser 110 and an HTML page with an embedded multicast listener 112.

Each program is stored in program memory 96, loaded into volatile memory 94 when

launched, and executed on the processor 92. The key phrase data file 62 is also shown

stored in the program memory 96. The closed captioning parser 110 is configured to

monitor the closed captioning script as the video program is played to detect the key

phrases listed in data file 62' [0088]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Arai with Feinleib so as to 'synchronize presentation of

the enhancing content with specific scenes in the video programs' [0009].

As to claim 6,

Kikinis does not specifically disclose, the content deciding data deciding a position of

content placed on the network is a group of keywords. However, Feinleib discloses:

the content deciding data deciding a position of content placed on the network is a

group of keywords [0078].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Arai with Feinleib so as to 'synchronize presentation of

the enhancing content with specific scenes in the video programs' [0009].

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shirley Chang whose telephone number is (571)

272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (571) 272-7353. The fax phone

number for the organization where this application or proceeding is assigned is
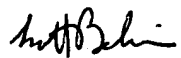
(571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

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published applications may be obtained from either Private PAIR or Public PAIR.

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only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

SC

PATENT EXAMINER
AU 2614